

By ECF

May 28, 2025

Honorable Ona T. Wang
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Heilbut, et al., v. Cassava, et al.*, Case No. 1:24-cv-05948-JLR-OTW

Dear Judge Wang:

Pursuant to the Court’s May 21, 2025, Order (the “May 21 Order”, ECF 123), we submit this letter jointly on behalf of Plaintiffs Drs. Adrian Heilbut, Jesse Brodkin, and Enea Milioris, Intervenor-Plaintiffs Drs. Geoffrey Pitt and David Bredt, and Defendants Cassava Sciences, Inc., Remi Barbier, and Dr. Lindsay Burns.

1. Defendants’ Motion to Compel Discovery (ECF 81)

The Court directed Plaintiffs and Intervenor-Plaintiffs “to produce the information that they proffered in their email correspondence at ECF 81-5.” (May 21 Order at 2.) That information consists of (1) their net profits from trading in Cassava securities during the period preceding the filing of the Defamation Action; and (2) the date ranges during which they held net short positions prior to the filing of the Defamation Action. (*Id.* at 2 n.1.) Plaintiffs and Intervenor-Plaintiffs provided Defendants with this information via email on May 28, 2025.

2. Plaintiffs’ Anticipated Motion to Compel Third Party Subpoenas

Pursuant to the Court’s Order, Plaintiffs and Intervenor-Plaintiffs met and conferred with counsel for non-parties Matthew Nachtrab, Charles Spruck, and Sitrick and Company prior to Thursday, May 22, at 1:00 p.m. Plaintiffs and Intervenor-Plaintiffs have come to an agreement with both Dr. Spruck and Sitrick and Company regarding their responses to Plaintiffs’ subpoena *duces tecum*, reserving all rights to seek additional documents after reviewing Dr. Spruck and Sitrick’s productions. Plaintiffs remain in active negotiations with Mr. Nachtrab.

3. Defendant’s Application for Sealing (ECF 67)

Pursuant to the Court’s Order, the Parties provide their positions on Defendants’ sealing application at ECF 67, as well as Plaintiffs’ sealing application at ECF 73.

Plaintiffs’ Position

Plaintiffs take no position on the sealing of the documents at ECF Nos. 66, 67, 68, 73, 74, 77, and 78, except that Plaintiffs do request the sealing of the document at ECF 68-3, which is

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Exhibit C to Defendants' March 10 Letter, for the reasons stated in Plaintiffs' submission at ECF 74 at 3.

Intervenor-Plaintiffs' Position

Intervenor-Plaintiffs take no position on the sealing of the documents at ECF Nos. 66, 67, 68, 73, and 74. Intervenor-Plaintiffs withdraw their sealing application at ECF No. 77 to allow for the unsealing of the document at ECF No. 78.

Defendants' Position

Defendants do not object to Plaintiffs' request to seal the document file-stamped ECF 68-3 (Exhibit C to Defendants' March 10 Letter). Aside from that document, Defendants' position is that no other documents referenced herein must remain under seal, and therefore Defendants withdraw their sealing application at ECF 67.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Isaac B. Zaur
Isaac B. Zaur

cc: All parties/counsel of record (by ECF)